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DATE: April 2, 2003

PAGES: 7 (inclusive)

PROPOSED AMENDMENT
PLEASE DELIVER DIRECTLY TO EXAMINER

In re the Application of:)
John W. Dunsmoir)
Serial No. 09/435,004)
Filed: 11/05/1999)
Docket: AT9-99-561)
For: "Method and System for Producing)
Dynamic Web Pages")

Group: 2176
Examiner: Almari Del Carmen Romero

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FRANKLIN GRAY PATENTS, LLC**ROBERT H. FRANTZ**
REGISTERED US PATENT AGENT
LLC MANAGER

April 7, 2003

Examiner Almari Del Carmen Romero
United States Patent and Trademark Office
GAU 2176**Re.: Request for Telephone Interview in Patent Application 09/435,004 With Respect to Your
Official Action of 01/29/2003**

Dear Examiner Romero,

We would like to request a telephone interview of 30 minutes or less on Wednesday, April 9, 2003, at 1:00 PM (Eastern) according to your availability and convenience. If this time or day is not convenient for you, please propose an alternate time and date. During our discussion, we would like to discuss the following items as a reply and proposed amendment to your Office Action on 01/29/2003.

Objections to Drawings, Specification, and Claims

With respect to the objections to the drawings and informalities in the specification and claims, we understand your objections, and we will make appropriate corrections in our formal reply.

Differences between Our Invention and the Cited Art

The obviousness rejections are based on a combination of the cited Stewart patent (US 5,715,453) and the Douglass patent (US 6,021,426). Both of these patents address methods and systems for handling web pages which contain "dynamic portions". They both seem to use the conventional understanding of this term as meaning portions of web pages which are not static, such as Dynamic HTML (DHTML) or query language (e.g. SQL, CGI, etc.) portions. For reference and discussion, we present relevant definitions from the Random House Webster's Computer and Internet Dictionary, Third Edition, by Philip E. Margolis (emphasis added):

dynamic HTML: 1. Refers to Web content that changes each time it is viewed. For example, the same URL could result in a different page depending on any number of parameters, such as geographical location of the reader, time of day, previous pages viewed by the reader, profile of the reader. There are many technologies for producing dynamic HTML, including CGI scripts, Server-Side Includes (SSI), cookies, Java, JavaScript, and ActiveX. 2. When capitalized,

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Our system, however, addresses a different need and set of web pages which exist in the Internet and on intranets. There are many web pages which contain only static portions, and many other web pages which need to have their static portions modified on a user-preference, time-dependent, or user ID basis. These "static portions" of these pages do not include by definition any query language (e.g. SQL, CGI, etc.) or other dynamic content language (e.g. JavaScript, DHTML, etc.). These static pages and static portions of pages were originally designed to be unchanging from one user to another (or from one time to another, etc.).

So, we have claimed that our system produces dynamic web pages from static web pages and from static portions of web pages, unlike the Stewart and Douglass methods which assume that their input of dynamic web pages has been produced somehow before their methods are executed or run. For reference, here is a reproduction of our independent claim 1 with added emphasis:

1. The method of producing dynamic web page content for transmission on a computer network, comprising the steps of:
receiving at least one static web page, said static web page containing layout and content definitions;
extracting said layout definitions from said static web page thereby creating at least one template web page; and
mapping dynamic web content into said template web page, thereby creating at least one dynamic web page containing said dynamic content.

Douglass and Stewart, however, requires that the basic page which is received and processed is not a static web page, but instead is a page containing at least one dynamic portion such as a query language, function call, or DHTML statements, as evidenced by the following quotes (emphasis added):

From Stewart's Patent:

A number of language processors are provided for handling the possible different types of function calls that query dynamic data. (Abstract)

The first web pages contained static data, meaning that the data on the page would be the same regardless of who accessed the page or when it was accessed. More recent web pages include dynamic data, which means that data on certain portions of the page is subject to change. (Col. 1, lines 36 - 41)

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Dynamic HTML refers to new HTML extensions that will enable a Web page to react to user input without sending requests to the Web server. Microsoft and Netscape have submitted competing Dynamic HTML proposals to W3C, which is producing the final specification.

The cited references themselves, as well as our disclosure, provide definitions of "static web page portions" which are consistent with the common use of the term (emphasis added).

The first web pages contained static data, meaning that the data on the page would be the same regardless of who accessed the page or when it was accessed. More recent web pages include dynamic data, which means that data on certain portions of the page is subject to change. (Stewart, Col. 1, lines 36 - 41)

FIGURE 2 shows the prior art process of fetching and displaying static HTML pages from a web server over an Internet (3) or Intranet (6). (Our disclosure, page 7, lines 6 - 7)

...

The general limitation with basic HTML is that it is generally static in content. After a developer has designed an HTML page, the page is essentially fixed in its content, layout and appearance. Each time a user loads that page, it will look essentially the same as the day it was created by the developer. (Our disclosure, page 7, lines 15 - 18)

The web page upon which Stewart's and Douglass' processing is performed *may have* a "static portion", but their input web pages must have at least one such "dynamic portion". Stewart and Douglass have described these dynamic portions of their input or received web pages as having codes or statements which may be function calls to a database to obtain some user-specific information (e.g. an airline reservation), time-variant information (e.g. stock quotes), or other information, or other types of dynamic web content special languages (e.g. Java, JavaScript, etc.), consistent with the use of the term in the industry.

So, their base web pages are essentially incomplete by themselves (e.g. they cannot be directly presented to the user in a standard web browser) – they must be completed by performing database accesses or other data retrieval operations to obtain the needed "dynamic" information, which is merged with the "static portions" of the base page to yield a page with customized content.

As such, both the Stewart and Douglass systems require as input a web page having at least one dynamic portion already in it, such as already having a CGI or SQL function call encoded in the rest of the HTML of the base page. Further, neither the Stewart or the Douglass systems process or change the static portions of the input web pages – they only process the dynamic portions.

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These web servers typically have hard-coded transaction processors that detect a specific type of query for dynamic data within the HTML page data, and that perform the necessary accesses to a dedicated data source to retrieve the dynamic data. (Col. 1, lines 53 - 59)

As discussed in the Background section, when this web technology began, web pages contained only static data. ... Later methods were developed to introduce dynamic data into web pages. (Col. 3, lines 30 - 36)

The next step is to determine whether the selected web page contains dynamic data. ... by scanning the HTML section for SQL queries for dynamic data. If an SQL query for dynamic data exists in the HTML section being processed (step 522=YES), then the SQL query is located (step 534), then passed to language processor 230 (step 526). (Col. 6, lines 60 - 63)

... if the web page request is for a page that contains dynamic data, the URL for the page will contain a special parameter such as a cgi-bin parameter... (Col. 8, lines 20 - 21)

Transaction processor 124 then determines if the selected HTML section has a function call for dynamic data (step 522). (Col. 8, lines 43 - 45)

Any form of indicia indicating that dynamic data is required in the page falls within the scope of the present invention. (Col. 9, lines 16 - 17)

From Douglas' Patent:

The information resources are made up of at least a static and dynamic portion.
(Abstract)

The dynamic portion contains the bindings of macro-variables to strings specific to the given access. (Col. 2, lines 45 - 46)

The resource presumably is made up of at least a static portion and a dynamic portion.
(Col. 3, lines 36 - 38)

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... a document written in Hypertext Markup Language (HTML) containing both static and dynamic portions... (Col. 3, lines 38 - 50).

As apparent from these statements and others in the Stewart disclosure and in the Douglas disclosure, neither teach or suggest:

extracting said layout definition from said static web page thereby creating at least one template web page; and
mapping dynamic web content into said template web page,
thereby creating at least one dynamic web page containing said dynamic content.

In one instance, the Stewart patent actually teaches away from changing static portions or static web pages (emphasis added):

When dynamic data needs to be displayed on a web page, certain steps must be taken that are not required for static web pages. (Col. 5, lines 64 - 66)

Additionally, the Stewart's invention requires two items not available in our environment of processing static web pages and static web page portions, namely a "configuration file" and statements within the page to be processed for queries or function calls. Stewart's dependence on these two items are stated many times over throughout the disclosure, especially with respect to SQL and CGI function calls, and including the following citations (emphasis added) with reference to Stewart's "configuration file":

A web server computer system includes a transaction processor that reads a configuration file to determine how to handle incoming function calls to retrieve dynamic data by querying a data source. ... When a function call within a web page corresponding to a query for dynamic data is encountered, the transaction processor determines from the configuration data which language processor will handle this specific function call, and passes the function call to the appropriate language processor.
(Abstract)

A web server according to the present invention includes a transaction processor that

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reads a configuration file to determine how to handle incoming queries to dynamic data sources. (Col. 2, lines 8 - 11)

When transaction processor 124 is initialized, it reads configuration file 128 to correlate different types of queries to different language processors 130. (Col. 4, lines 25 - 28)

As such, employing the Stewart invention in combination with the Douglass invention as proposed in the Office Action would result in an inoperative method or system (e.g. Stewart's process needs the missing configuration file and missing dynamic data queries in the base web page), and would render the primary reference (Stewart's patent) unsuitable for its intended purpose. As such, there can be no finding of motivation to make such a combination, per MPFP guidelines and court established doctrine.

Summary

We believe that the claims as filed clearly present limitations not taught or suggested by the cited references, when the facts presented herein are fully considered. During our telephone interview, we would like to answer any questions you may have and consider any changes or amendments you may have to suggest.

Best Regards,



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